

IC 13-14-9.5 Notice of Final Readoption
LSA Document #13-179(F)

Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

PURPOSE OF NOTICE

Under [IC 13-14-9.5-4\(c\)](#), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 329 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted:

READOPTED RULES:

329 IAC 8	HOUSEHOLD HAZARDOUS WASTE GRANTS PROGRAM
329 IAC 10-9	Solid Waste Land Disposal Facility Classification
329 IAC 10-24	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Additional Application Requirements to 329 IAC 10-11
329 IAC 10-25	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Location Restrictions
329 IAC 10-26	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Liner System Design Standards and Height Increases
329 IAC 10-27	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Operation Approval and Preoperational Requirements
329 IAC 10-28	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Operational Requirements
329 IAC 10-29	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Ground Water Monitoring and Corrective Action
329 IAC 10-30	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Closure Requirements
329 IAC 10-31	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Post-closure Requirements
329 IAC 10-32	Restricted Waste Site Type III and Construction/demolition Sites; Additional Application Requirements to 329 IAC 10-11
329 IAC 10-33	Restricted Waste Site Type III and Construction/demolition Sites; Location Restrictions
329 IAC 10-34	Restricted Waste Site Type III and Construction/demolition Sites; Liner System Design Standards
329 IAC 10-35	Restricted Waste Site Type III and Construction/demolition Sites; Operation Approval and Preoperational Requirements
329 IAC 10-36	Restricted Waste Site Type III and Construction/demolition Sites; Operational Requirements
329 IAC 10-37	Restricted Waste Site Type III and Construction/demolition Sites; Closure Requirements
329 IAC 10-38	Restricted Waste Site Type III and Construction/demolition Sites; Post-closure Requirements
329 IAC 11-1-1	Enforcement
329 IAC 11-1-2	Penalties
329 IAC 11-1-4	Variances
329 IAC 11-1-5	Severability
329 IAC 11-2-1	Definitions
329 IAC 11-2-2	"Access road" defined
329 IAC 11-2-3	"Ash residue" defined
329 IAC 11-2-5	"Board" defined
329 IAC 11-2-6	"Collection container system" defined
329 IAC 11-2-8	"Contaminant" defined
329 IAC 11-2-12	"Generator" or "generating facility" defined
329 IAC 11-2-13	"Grading" defined
329 IAC 11-2-15.1	"Incidental transfer" defined
329 IAC 11-2-16	"Incinerator" defined

<u>329 IAC 11-2-19</u>	"Infectious waste incinerator" defined
<u>329 IAC 11-2-22</u>	"On-site road" defined
<u>329 IAC 11-2-25</u>	"Operating personnel" defined
<u>329 IAC 11-2-26</u>	"Permit" defined
<u>329 IAC 11-2-28</u>	"Person" defined
<u>329 IAC 11-2-29</u>	"Pollution control waste" defined
<u>329 IAC 11-2-30</u>	"Processing" defined
<u>329 IAC 11-2-31</u>	"Recovery" defined
<u>329 IAC 11-2-32</u>	"Registered professional engineer" defined
<u>329 IAC 11-2-33</u>	"Residue" defined
<u>329 IAC 11-2-34</u>	"Resource recovery" defined
<u>329 IAC 11-2-35</u>	"Salvaging" defined
<u>329 IAC 11-2-36</u>	"Scavenging" defined
<u>329 IAC 11-2-37</u>	"Site" defined
<u>329 IAC 11-2-38</u>	"Sludge" defined
<u>329 IAC 11-2-39</u>	"Solid waste" defined
<u>329 IAC 11-2-40</u>	"Solid waste facility" or "facility" defined
<u>329 IAC 11-2-41</u>	"Solid waste land disposal facility" defined
<u>329 IAC 11-2-42</u>	"Solid waste management" defined
<u>329 IAC 11-2-45</u>	"Surface impoundment" defined
<u>329 IAC 11-2-46</u>	"Surface water" defined
<u>329 IAC 11-2-47</u>	"Transfer station" defined
<u>329 IAC 11-2-49</u>	"Washout" defined
<u>329 IAC 11-2-51</u>	"Waters" defined
<u>329 IAC 11-3-2</u>	Exclusion; hazardous waste
<u>329 IAC 11-4-2</u>	Maintenance, monitoring, or correcting nuisance; permittee responsibility
<u>329 IAC 11-4-3</u>	Elimination of threats to human health or the environment
<u>329 IAC 11-4-4</u>	Remedial action
<u>329 IAC 11-5-5</u>	Renewal of permit by existing permittee
<u>329 IAC 11-8</u>	Solid Waste Processing Facility Classifications and Waste Criteria
<u>329 IAC 11-9-3</u>	Signatories to permit application and reports
<u>329 IAC 11-9-6</u>	Insignificant facility modifications
<u>329 IAC 11-10</u>	Action on Permit and Renewal Permit Applications
<u>329 IAC 11-11-2</u>	Issuance procedures; renewal procedures
<u>329 IAC 11-11-3</u>	Duration of permits
<u>329 IAC 11-11-4</u>	Effect of permit issuance
<u>329 IAC 11-12-1</u>	Operation approval
<u>329 IAC 11-14</u>	Solid Waste Processing Facilities; Quarterly Tonnage Reports
<u>329 IAC 11-15-2</u>	Municipal waste transportation manifests
<u>329 IAC 11-15-4</u>	Responsibilities of the owners or operators of the solid waste processing facilities
<u>329 IAC 11-15-6</u>	Violations
<u>329 IAC 11-16-1</u>	Closure plans and closure financial responsibility
<u>329 IAC 11-16-2</u>	Financial responsibility and post-closure requirements for transfer stations
<u>329 IAC 12</u>	SOLID WASTE MANAGEMENT ACTIVITY REGISTRATION
<u>329 IAC 16-1</u>	General Provisions
<u>329 IAC 16-2</u>	Definitions
<u>329 IAC 16-3</u>	Exclusions
<u>329 IAC 16-4</u>	Thermal or Chemical Treatment
<u>329 IAC 16-5</u>	Registration
<u>329 IAC 16-6</u>	Storage Requirements
<u>329 IAC 16-7</u>	Operational Requirements
<u>329 IAC 16-8</u>	Employee Training
<u>329 IAC 16-9</u>	Disposal of E-Waste
<u>329 IAC 16-11</u>	Financial Assurance
<u>329 IAC 18</u>	VOLUNTARY PERFORMANCE BASED LEADERSHIP PROGRAMS

RULES TO EXPIRE: None.

AUTHORITY: [IC 13-14-9.5](#)

HISTORY

First Notice of Comment Period: May 22, 2013, Indiana Register (DIN: [20130522-IR-329130179BNA](#)).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. The rules listed to be readopted have an expiration date of January 1, 2014. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-9.5-4](#) requires that the following procedures be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) readopt that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule.

NOTICE OF READOPTION

The following rules received no comments during the first notice of comment period requesting that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking and are not exempt from the readoption process under [IC 13-14-9.5](#):

- [329 IAC 8](#)
- [329 IAC 10-9](#)
- [329 IAC 10-24](#)
- [329 IAC 10-25](#)
- [329 IAC 10-26](#)
- [329 IAC 10-27](#)
- [329 IAC 10-28](#)
- [329 IAC 10-29](#)
- [329 IAC 10-30](#)
- [329 IAC 10-31](#)
- [329 IAC 10-32](#)
- [329 IAC 10-33](#)
- [329 IAC 10-34](#)
- [329 IAC 10-35](#)
- [329 IAC 10-36](#)
- [329 IAC 10-37](#)
- [329 IAC 10-38](#)
- [329 IAC 11-1-1](#)
- [329 IAC 11-1-2](#)
- [329 IAC 11-1-4](#)
- [329 IAC 11-1-5](#)
- [329 IAC 11-2-1](#)
- [329 IAC 11-2-2](#)
- [329 IAC 11-2-3](#)
- [329 IAC 11-2-5](#)
- [329 IAC 11-2-6](#)

[329 IAC 11-2-8](#)
[329 IAC 11-2-12](#)
[329 IAC 11-2-13](#)
[329 IAC 11-2-15.1](#)
[329 IAC 11-2-16](#)
[329 IAC 11-2-19](#)
[329 IAC 11-2-22](#)
[329 IAC 11-2-25](#)
[329 IAC 11-2-26](#)
[329 IAC 11-2-28](#)
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[329 IAC 11-2-30](#)
[329 IAC 11-2-31](#)
[329 IAC 11-2-32](#)
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[329 IAC 11-4-3](#)
[329 IAC 11-4-4](#)
[329 IAC 11-5-5](#)
[329 IAC 11-8](#)
[329 IAC 11-9-3](#)
[329 IAC 11-9-6](#)
[329 IAC 11-10](#)
[329 IAC 11-11-2](#)
[329 IAC 11-11-3](#)
[329 IAC 11-11-4](#)
[329 IAC 11-12-1](#)
[329 IAC 11-14](#)
[329 IAC 11-15-2](#)
[329 IAC 11-15-4](#)
[329 IAC 11-15-6](#)
[329 IAC 11-16-1](#)
[329 IAC 11-16-2](#)
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[329 IAC 16-3](#)
[329 IAC 16-4](#)
[329 IAC 16-5](#)
[329 IAC 16-6](#)
[329 IAC 16-7](#)
[329 IAC 16-8](#)
[329 IAC 16-9](#)
[329 IAC 16-11](#)
[329 IAC 18](#)

Therefore, the above-listed rules are readopted under [IC 13-14-9.5-4](#). The rules will be submitted to the Publisher

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for filing and will be effective 30 days after that filing date. The rules will remain in effect until their next expiration date, January 1, 2020. However, all rules are subject to amendment or repeal under IDEM's regular rulemaking process found at [IC 13-14-9](#).

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First Notice of Comment Period: [20130522-IR-329130179BNA](#)

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